IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 14370 of 2005

Between:

Rayi Narasayya, S/o. Lakshmanudu,
R/o. Rayavaram Village, Rayavaram Mandal,

E.G. District.

..... PETITIONER

AND

The Panchayat Secretary, Grama Sachivalayam,

Rayavaram Village and Mandal,
East Godavari District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the notice dated 18-6-2005 issued by the respondent herein as illegal, arbitrary, violation of principles of natural justice and also violative of the fundamental rights guaranteed under Art.14 and 21 of the constitution of India and consequently set aside the impugned notice dt. 18-6-2005 in the interest of justice and to pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondent: MR.M.PRABHAKARA RAO

The Court at the stage of admission made the following:

ORDER:

The petitioner alleged to have been running a chicken center at Mahendravada Road, Rayavaram village, East Godavari District within the limits of the respondent since six years. While so, the respondent issued the impugned notice, which is styled as a final order, directing the petitioner to remove his shop from the said premises within 7 days. The petitioner, being aggrieved by the impugned notice, filed this writ petition.

Heard the learned counsel for the petitioner and the learned counsel for the respondent

Admittedly, the petitioner has been running a chicken center in the limits of the respondent Panchayat by paying necessary license fee to the respondent. Basing on a complaint, the respondent issued the impugned notice to the petitioner directing him to vacate the premises within 7 days. It is submitted that to the impugned notice, the petitioner got issued reply through his Advocate on 25.06.2005, explaining his grievances, which is pending consideration before the respondent.

In view of the facts and circumstances, as explained by the petitioner, I deem it appropriate to dispose of the writ petition, with a direction to the respondent to consider the reply-cum-representation of the petitioner dated 25.06.2005, and pass appropriate orders thereon, in accordance with law, after giving an opportunity to the petitioner, within a period of 8 (eight) weeks from the date of receipt of a copy of this order. Till then, the respondent is directed not to disturb the petitioner from doing his business in the said premises.

With the above directions, the Writ Petition is disposed of. No order as to costs.

ELIPE DHARMA RAO,J

Dated: 04.07.2005'

Dsr

Note:

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Issue CC in two days

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Panchayat Secretary,

Grama Sachivalayam,

Rayavaram village and Mandal,

East Godavary District

2. Two CD copies

*Form-NIC-OGS/WP{**RLD**}*